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# Security Council

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**Security Council Committee established pursuant to resolution 1267 (1999)**

## Letter dated 16 April 2002 from the Permanent Representative of France to the United Nations addressed to the Chairman of the Committee

Please find attached the report submitted by France pursuant to paragraph 6 of Security Council resolution 1390 (2002) (see annex).

(*Signed*) Jean-David **Levitte**

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## Annex to the letter dated 16 April 2002 from the Permanent Representative of France to the United Nations addressed to the Chairman of the Committee

France has the honour to inform the Security Council Committee established by resolution 1267 (1999) of the measures it has taken to implement resolution 1390 (2002).

1. France, in its resolve to combat terrorism, is particularly committed to the implementation of resolution 1390 (2002), which provides for a global effort to combat the terrorist activities of Bin Laden and the al-Qa`idah organization and other individuals and entities associated with them. To that end, it is adapting its regulations and resources and is supporting the strengthening of international cooperation.

By receiving the experts of the sanctions monitoring mechanism established by resolution 1363 (2001), France has demonstrated its willingness to cooperate and its interest in the mechanism, which is under the authority of the Security Council.

2. In order to comply with the obligations set out in resolution 1390 (2002), France is basing part of its implementation mechanism on two European Union legal instruments:

- A common position containing restrictive measures against individuals included on the Committee's list;

- A Council regulation imposing certain restrictive measures.

These instruments are being finalized and should be published in the Official Journal of the European Communities in the next few days.

However, so as to implement all these restrictive measures effectively, France:

- Is continuing to base its action on the provisions of two European legal instruments adopted pursuant to resolutions 1267 (1999) and 1333 (2000) which are still in force: Council Common Position No. 2001/154/CFSP of 26 February 2001 concerning restrictive measures and Council Regulation (EC) No. 467/2001 of 6 March 2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan. These instruments have been updated as new decisions have been taken by the Committee;

- Has put in place a number of transitional measures at national level.

3. With regard to the freezing of funds and financial assets (subparagraph 2 (a) of resolution 1390 (2002)), pending the adoption of the community regulation, France has had recourse to the domestic legal framework which it uses to implement freeze measures against non-resident individuals and entities included on the Committee's list (Decree No. 2002-383 of 22 March 2002 freezing the assets of Al Haramain Bosnia and Al Haramain Somalia).

French financial institutions have also set up in-house "ethics" departments or offices specifically to combat money laundering and the financing of terrorism. The regular meetings held with representatives of the regulatory authorities and the various departments of the Ministry of Economic Affairs, Finance and Industry

within the framework of Finater allow for ongoing monitoring by the different parties involved.

In connection with Security Council resolutions 1267 (1999) and 1333 (2000), France had frozen almost 5 million euros belonging exclusively to Afghan financial institutions. All these assets have been unfrozen pursuant to Commission Regulations (EC) No. 105/2002 of 18 January 2002 and No. 362/2002 of 27 February 2002. At this stage, no funds have been identified and consequently frozen in France under resolution 1390 (2002).

4. With regard to the implementation of subparagraph 2 (b) relating to the prevention of entry into States' territories, national measures are being taken to prevent entry into the territory of France. A wanted person/file is established for individuals in respect of whom there is sufficient identification information. However, for many individuals we do not have such information.

In conjunction with its partners, France also takes steps to obtain information on the whereabouts of these individuals.

This applies mostly to persons who are likely to move around using false papers. Through this intelligence work, which has actually been extended to cover a much larger number of individuals, any transit by them through our territory can be detected.

The French naval presence in the Mediterranean has been strengthened to counter any attempt by al-Qa'idah terrorists to enter the territory as illegal immigrants.

5. With regard to the prohibition of the sale or transfer of arms and related material to individuals and entities mentioned in the Committee's list, France has a system for controlling the sale and circulation of arms, sensitive exports, war materiel and dual-use goods. This system is applied rigorously to the individuals and entities designated by the Committee.

6. In general terms, the report of France to the Counter-Terrorism Committee pursuant to Security Council resolution 1373 (2001) gives information about the system implemented to combat terrorism. Attention should be drawn to the entry into force of the law of 15 November 2001 on everyday security measures, which has strengthened the system for combating the financing of terrorism, and the ratification by France of the International Convention for the Suppression of the Financing of Terrorism, which entered into force on 10 April 2002.

7. However, resolution 1390 (2002) could be more effectively implemented if there were fuller information on individuals (correct spelling of their name, date of birth, place of birth, nationality, etc.) and entities (acronyms, headquarters, nature of their activity, etc.), so that the authorities and financial and economic institutions could carry out the necessary research.

8. Lastly, while the freezing of assets is a crucial element in suppressing the financing of terrorism, France is arguing strongly in the relevant international forums that these efforts should be accompanied by progress on more structural issues relating to the transparency of the international financial system, so that preventive action can be taken which might be effective in combating financial crime more generally. This issue has long been at the heart of French initiatives on international financial regulation, such as those we have championed in the Group of

Seven, the International Monetary Fund (IMF) or the Financial Action Task Force on Money Laundering (FATF). The recent eight special recommendations of FATF, adopted in October 2001 on our initiative in particular, and the ongoing work to strengthen the 40 recommendations of FATF provide a framework which should be put to good use and which will be a vital factor in our success in the medium and long term.